

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF REGULATION AND LICENSING

IN THE MATTER OF A PETITION FOR AN :
ADMINISTRATIVE INJUNCTION :
INVOLVING :
: **ADMINISTRATIVE INJUNCTION**
MEDRX PHARMACEUTICALS :
DISTRIBUTORS, INC., : LS0410212UNL
RESPONDENT. :

The parties of this action for the purposes of Section 227.53, Wis. Stats, are:

MedRx Pharmaceuticals Distributors, Inc.
12 A&B Butterfield Center Plaza
Glen Ellyn, IL 60137

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Secretary. The Secretary has reviewed the Stipulation and considers it acceptable.

Accordingly, the Secretary adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Respondent MedRx Pharmaceuticals Distributors, Inc., (“MedRx”) is an Illinois corporation having a principal place of business at 12 A&B Butterfield Center Plaza, Glen Ellyn, IL 60137. The corporation is an Illinois licensed drug wholesale distributor.
2. Beginning in May of 2002, and continuing through May of 2004, MedRx sold a limited line of non-controlled prescription pharmaceuticals to retail pharmacies in Wisconsin.
3. At no time has MedRx been licensed by the Pharmacy Examining Board as a distributor under Chapter 450, Wis. Stats., nor has any employee or any respondent been licensed in Wisconsin as a distributor.

CONCLUSIONS OF LAW

4. The sale and delivery of a prescription drug to a retail pharmacy constitutes “distributing” pursuant to § 450.01 Wis. Stats. Distributing a prescription drug may only be performed by a person licensed to distribute such drugs. § 450.07, Wis. Stats.
5. The conduct of respondents set forth in paragraphs 2 through 3 above constitutes distributing a prescription drug without a required credential, a violation of § 440.07, Wis. Stats.
6. The department has authority to issue this Administrative Injunction as a special order under § 440.21, Wis. Stats., and Ch. RL 3, Wis. Adm. Code.

ORDER

IT IS ORDERED, that the attached stipulation is accepted.

IT IS FURTHER ORDERED, that MedRx Pharmaceuticals Distributors, Inc. is enjoined and prohibited from the distribution of any prescription drug, person or through employees, agents, business entities, and contractors, in Wisconsin, and from doing any act which may constitute the distribution of any prescription drug in Wisconsin, unless and until properly credentialed to do so. Violation of this special order may result in a forfeiture of up to \$10,000 for each day of violation (§ 440.21(4)(a), Wis. Stats.).

IT IS FURTHER ORDERED, that if the secretary determines that there is probable cause to believe that respondent has violated any terms of this final decision and order, the secretary may order that the violations covered by this decision and order be referred to any appropriate prosecutorial unit for review for possible criminal charges.

Issued at Madison, Wisconsin this 21st day of October, 2004.

Donsia Strong Hill, Secretary
Department of Regulation and Licensing